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Agenda item 59
Strengthening of the United Nations system

Participation of the Holy See in the work of the United Nations

Note by the Secretary-General

The General Assembly, in paragraph 1 of its resolution 58/314 of 1 July 2004, decided to accord the Holy See, in its capacity as an Observer State, the rights and privileges of participation in the sessions and work of the General Assembly and the international conferences convened under the auspices of the Assembly or other organs of the United Nations, as well as in United Nations conferences as set out in the annex to that resolution. In paragraph 2 of the same resolution, the Assembly requested the Secretary-General to inform it, during the current session, about the implementation of the modalities annexed to that resolution.

It should be noted that, as a State member of at least one specialized agency, the Holy See enjoys the same rights and privileges of participation as Member States in all meetings and conferences convened under the auspices of the United Nations which are open to all Member States of the United Nations and States members of the specialized agencies ("all States"). It should also be noted that, pursuant to the Statutes of the international tribunals for the Former Yugoslavia and for Rwanda, States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters, including the Holy See, have the right to submit nominations for, and to vote in, the elections of the permanent and ad litem judges of the aforementioned tribunals.

Based on the Secretary-General's understanding of resolution 58/314 and the annex thereto, the rights and privileges of participation of the Holy See, in its capacity as an Observer State, shall be effected through the following modalities, without prejudice to its aforementioned existing rights and privileges, in the sessions and work of the General Assembly and the international conferences, convened under its auspices, in the other organs of the United Nations and in United Nations conferences:

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"1. The right to participate in the general debate of the General Assembly."

The Holy See will have the right to participate in the general debate of the General Assembly after Member States and before Palestine in any particular meeting of the general debate. Since the list of speakers for the general debate of the fifty-ninth session of the General Assembly was established prior to the adoption of resolution 58/314, the Holy See will be accommodated at any meeting at which there are speaking slots still available. Henceforth, the Permanent Observer Mission of the Holy See will be invited to submit three preferences of date and meeting (morning or afternoon) from within the period of the general debate of a regular session of the General Assembly. If the General Assembly decides upon a different methodology of establishing the list of speakers for the general debate of a special session or an emergency special session, the Holy See will have the right to participate in that methodology.

"2. Without prejudice to the priority of Member States, the Holy See shall have the right of inscription on the list of speakers under agenda items at any plenary meeting of the General Assembly, after the last Member State inscribed on the list."

In the plenary meetings of the General Assembly, the Holy See will have the right to inscribe on the list of speakers under any agenda item on which it signifies its desire to speak after the last Member State inscribed and before Palestine on the list of that meeting.

The Holy See will have the same priority as Member States when it is participating in any "all States" conference convened under the auspices of the General Assembly or in any election of the permanent or ad litem judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda.

"3. The right to make interventions, with a precursory explanation or the recall of relevant General Assembly resolutions being made only once by the President of the General Assembly at the start of each session of the Assembly."

At the beginning of each session of the General Assembly, during its consideration of the report of the General Committee, the President will indicate that the participation of the Holy See in that session will be in accordance with General Assembly resolution 58/314 of 1 July 2004, after which there will be no precursory explanation prior to any intervention by the Holy See in the session.

"4. The right of reply."

The presiding officer will accord the right of reply to the Holy See in the order in which it signifies its desire to make a reply.

"5. The right to have its communications relating to the sessions and work of the General Assembly issued and circulated directly, and without intermediary, as official documents of the Assembly."

The Holy See will have the right to request the circulation of its communications relating to any agenda item in the sessions and work of the General Assembly directly, and without a request by a Member State, and the Secretariat shall issue such communications as official documents of the Assembly.

"6. The right to have its communications relating to the sessions and work of all international conferences convened under the auspices of the General Assembly issued and circulated directly, and without intermediary, as official documents of those conferences."

As most international conferences convened under the auspices of the General Assembly are open to the participation of "all States", the Holy See already enjoys the right to circulate its communications as official documents of those conferences.

In any such conferences which are not open to "all States", the Holy See will have the right to request the circulation of its communications relating to the sessions and work of any international conference convened under the auspices of the General Assembly directly, and without a request by a Member State, and the secretariat of the conference shall issue such communications as official documents of those conferences.

"7. The right to raise points of order relating to any proceedings involving the Holy See, provided that the right to raise such a point of order shall not include the right to challenge the decision of the presiding officer."

On matters related to the proceedings on agenda items involving the Holy See, the Holy See may raise a point of order, with the exception of a point of order made in connection with the actual conduct of voting. A point of order will be immediately decided by the presiding officer in accordance with the rules of procedure of the General Assembly. The Holy See may not appeal against the ruling of the presiding officer.

The Holy See will not have the right to make procedural motions including the adjournment of debate, the closure of debate and the suspension or adjournment of the meeting.

The foregoing restrictions do not apply to the Holy See when it is participating in any "all States" conference convened under the auspices of the General Assembly or in any election of the permanent or ad litem judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda.

"8. The right to co-sponsor draft resolutions and decisions that make reference to the Holy See; such draft resolutions and decisions shall be put to a vote only upon request from a Member State."

The Holy See will have the right to co-sponsor a draft resolution, draft decision or amendment making reference to the Holy See, but may not be the sole sponsor of such draft resolution, draft decision or amendment. Action will be taken on such draft resolution, draft decision or amendment only upon request from a Member State.

The foregoing restrictions do not apply to the Holy See when it is participating in any "all States" conference convened under the auspices of the General Assembly.

"9. Seating for the Holy See shall be arranged immediately after Member States and before the other observers when it participates as a non-member State observer, with the allocation of six seats in the General Assembly Hall."

When it participates as a non-member State, the Holy See will be seated after Member States and before Palestine. In the General Assembly Hall, the Holy See will occupy three seats as well as the three seats immediately behind.

The Holy See will have the right to be seated alphabetically with other States in any meeting or part thereof in which elections of the permanent or ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are being conducted.

In addition, the Holy See shall be seated alphabetically among the other States when it is participating in any "all States" conference convened under the auspices of the General Assembly.

"10. The Holy See shall not have the right to vote or to put forward candidates in the General Assembly."

The Holy See will not have the right to vote, including in elections. The Holy See may neither submit its own candidacy for any election or appointment nor submit the names of candidates for any election or appointment.

The Holy See will have the right to vote and submit candidatures, including its own, in any "all States" conference convened under the auspices of the General Assembly or in any election of the permanent or ad litem judges of the International Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda.